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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

15 UNITED STATES OF AMERICA,
 16 Plaintiff,
 17 vs.
 18 JOSE LUIS REYNALDO REYES-CASTILLO,
 19 a/k/a "Molesto,"
 20 DAVID ARTURO PEREZ-MANCHAME,
 21 a/k/a "Walter Melendez,"
 22 a/k/a "Herbi," a/k/a "Catracho"
 23 JOEL VARGAS-ESCOBAR,
 24 a/k/a "Momia," and
 ALEXANDER DE JESUS FIGUEROA-TORRES,

Case No. 2:19-cr-00103-GMN-MDC

Government's Response to Defense Request for Unconscious Bias Video (ECF Nos. 265, 276, 286)¹

¹ Certification: This response is timely filed. *See* ECF No. 236. The parties met and conferred on April 2, 2025, and during that conference the government informed the defense that it will be deferring to the Court. This position was correctly reiterated in ECF 282.

1 Defendants.

2 **INTRODUCTION**

3 Defendants Figueroa-Torres, Perez-Manchame, and Reyes-Castillo ask the Court to
4 play a video regarding unconscious bias to the prospective jury venire. ECF Nos. 265, 276, 286.
5 Although there is no requirement that this video be played, the government understands that it
6 is the common, if not standard practice of the Court to play the requested video. The
7 government defers to the Court's discretion regarding whether to play the video.

8 **ARGUMENT**

9 It is a well-settled Constitutional guarantee that a defendant has the right to a fair trial by
10 an impartial jury. *See e.g.*, *United States v. Patton*, 281 U.S. 276, 312-13 (1930) (“[T]he right of the
11 accused to a trial by a constitutional jury [must] be jealously preserved.”). As a litigant, the
12 Government also “has a legitimate interest in seeing that cases in which it believes a conviction
13 is warranted are tried before the tribunal which the Constitution regards as the most likely to
14 produce a fair result.” *Singer v. United States*, 380 U.S. 24, 36 (1965); *United States v. United States*
15 *Dist. Ct. for Eastern Dis. Of Cal.*, 464 F.3d 1065, 1070 (9th Cir. 2006).

16 Voir dire is a crucial step in protecting the parties’ (both the Government and the
17 Defendants) right to a fair trial. Thus, the trial court is given wide latitude to determine how
18 best to conduct voir dire. *Rosales-Lopez v. United States*, 451 U.S. 182, 189 (1981). The trial court
19 is charged with ensuring not only that the voir dire effectively obtains an impartial jury, but also
20 “to see that this result is obtained with reasonable expedition.” *United States v. Jones*, 722 F.2d
21 528, 529 (9th Cir. 1983) (citation omitted).

22 The government, along with defense, is interested in ensuring a fair trial occurs, which
23 includes avoiding bias—conscious or unconscious. The government also recognizes that efforts
24 to root out bias take many forms, and no single method is required. It is the government’s

1 understanding that it is the common, if not standard practice of many courts in this District to
2 play the video requested by the moving defendants. Although playing that video is not required,
3 the government will defer to the Court's discretion regarding whether to play that video in this
4 case.

5 **CONCLUSION**

6 The government defers to the Court's considerable discretion regarding whether to play
7 the unconscious bias video requested by the moving defendants.

8

9 DATED this 7th day of April 2025.

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